

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: EQUIFAX, INC., CUSTOMER)
DATA SECURITY BREACH LITIGATION)
_____)

Case Number
1:17-md-2800-TWT

Transcript of an excerpt (the Court's ruling)
of a telephone conference call before
The Honorable Thomas W. Thrash, Jr., Chief Judge
July 30, 2019; 4:06 p.m.
Atlanta, Georgia

(Appearances on page two)

Proceedings recorded by mechanical stenography,
transcript produced by computer.

Diane Peede, RMR, CRR, CRC
Federal Official Court Reporter
75 Ted Turner Drive, SW, Suite 2194
Atlanta, Georgia 30303-3309

1 Appearances:

2 Counsel for Plaintiffs: Kenneth S. Canfield
3 Amy E. Keller
4 Roy E. Barnes
 J. Cameron Tribble
 Barrett Vahle

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6 Counsel for Defendant: David L. Balser
7 Phyllis B. Sumner
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10 Counsel for the Bureau
11 of Consumer Financial
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12 Jenelle M. Dennis
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15 Trade Commission:
 Jacqueline K. Connor
16 Tiffany George
 Cathlin Tully

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17 Counsel for Illinois
18 Attorney General's
 Office:
19 Matthew Van Hise
 Elizabeth Blackston

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P R O C E E D I N G S

THE COURT: Well, I think this is a situation, number one, that should be dealt with immediately.

Two, I did not anticipate the nature of the publicity that the settlement received, some of which I think was not necessarily productive in terms of promoting an orderly, honest and non-fraudulent claims process.

I've had at least a dozen people ask me, some facetiously, some quite seriously, "When do I get my \$125 check?"

So I believe it is a serious situation that needs to be addressed before we go forward with what I hope will be an orderly, fair, just and non-fraudulent claims process.

So I approve the Plaintiffs' proposal as to how to deal with the issue. Number one, to notify the class, to change the website, to modify the e-mail notice, to modify the call center script, to notify class members that in order to claim alternative compensation, they must provide the administrator with the name of their credit-monitoring service.

Second, I approve the proposed amendment to the claim form requiring claimants to furnish the name of their credit-monitoring service and attest that they will have it for six months.

1 And, third, I approve the Plaintiffs' proposal to
2 notify existing claimants that they must submit an amended
3 claim which includes the name of their credit-monitoring
4 service; and that if they choose, they may choose rather than
5 alternative compensation, to elect instead credit-monitoring
6 services from Equifax.

7 I don't believe that changes the deal. I'm not
8 persuaded that it significantly changes Equifax's risk. And
9 I think that's the most appropriate way of ensuring that all
10 members of the class are notified of the same alternatives in
11 terms of what they can obtain through the claims process
12 procedure.

13 So do you have any questions about what I've
14 decided, Mr. Canfield?

15 MR. CANFIELD: I don't have any questions about it,
16 Judge. The only -- about what you said. The only question
17 is whether it's the Court's preference to enter a formal
18 order.

19 We're not convinced that a formal order is
20 necessary, particularly given that the settlement agreement
21 allows some non-material changes to the settlement documents,
22 and we don't think that these are really material changes.

23 I'm not quite sure what Equifax's position is on
24 whether an order is required.

25 We're certainly willing to have the Court enter an

1 order, if that's its preference; but we think with the
2 Court's rulings today, that the parties will be able to work
3 these issues out without a further order of the Court. If
4 that proves to be a mistaken impression, then, obviously, we
5 can come back. But we're willing to do this whatever way the
6 Court feels is appropriate.

7 THE COURT: Mr. Balser, any questions about what
8 I've held or comments on the need for a formal written order?

9 MR. BALSER: No, Your Honor. I think your order on
10 the transcript, I think, is sufficiently clear and binding
11 such that a written order would not be necessary for purposes
12 of the record. So I don't think we need a formal order, with
13 the understanding that what you have just articulated is, in
14 fact, an order of the Court and that you are directing the
15 parties to proceed as you've outlined.

16 THE COURT: I am so ordering the parties to
17 proceed, Mr. Balser.

18 MR. BALSER: Thank you. And we'll work with Mr.
19 Canfield to finalize the language on these various points and
20 get the changes implemented swiftly.

21 THE COURT: Do any of the regulators want to
22 comment on my order or directions, whatever it is you want to
23 call it?

24 MS. DENNIS: This is Jenelle Dennis from the CFPB,
25 Your Honor. No. Thank you very much for allowing us to

1 participate today.

2 THE COURT: All right. I believe that concludes
3 the conference call, and thank you very much, counsel. And
4 I am terminating the call.

5 (Proceedings concluded at 5:04 p.m.)

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7 Reporter's Certification

8 I certify that the foregoing is a correct transcript from the
9 record of proceedings in the above-entitled matter.

10 s/Diane Peede, RMR, CRR, CRC
11 Official Court Reporter
12 Date: July 31, 2019 United States District Court
13 Northern District of Georgia
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